

### DETAILED ACTION

1. This Office Action is response to Applicant's AMENDMENT filed on 03/28/2008.
2. Claims 7 and 11-17 were cancelled.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randy J. Pritzker (Reg. No. 35,986) on 05/22/2008 at (617)-646-8000 (12:30PM).

The application has been amended as follows:

#### **Claim 1:**

1. (Currently amended) A portable terminal device comprising:  
a reproduction unit configured to reproduce a plurality of content data items;  
a control unit configured to detect a reproduction status of each content data item when said each content data item is reproduced by said reproduction unit, and to select a recommendation content data item from said plurality of content data items depending on a reproduction status of said recommendation content data item; and

a communication unit configured to transmit to another portable terminal device a list which shows a plurality of content data items including said selected recommendation content data item;

wherein the reproduction status of said recommendation content data item is selected from a group comprising the recommendation content data item having been reproduced by the reproduction unit for a predetermined period of time, a particular portion of the recommendation content data item having been reproduced by the reproduction unit, the entirety of the recommendation content data item having been reproduced by the reproduction unit, the recommendation content data item having been reproduced by the reproduction unit after being rewound, the recommendation content data item having been reproduced by the reproduction unit during a particular time of day, the recommendation content data item having been reproduced by the reproduction unit a predetermined number of times, and the recommendation content data item having been designated by a user.

**Claims 2-6 and 8:**

In the first line of claim 2-6 and 8, "The portable terminal according to claim" is replaced with "the portable terminal device according to claim"

**Claim 9:**

9. (Currently amended) A data processing method for use with a portable terminal device, the method comprising steps of:

reproducing a plurality of content data items;

detecting a reproduction status of each content data item when said each content data item is being reproduced;

selecting a recommendation content data item being reproduced from said plurality of content data items depending on a detected reproduction status of said recommended content data item; and

transmitting a list which shows a plurality of content data items including said selected recommended content data item to a second portable terminal device;

wherein the reproduction status of said recommendation content data item is selected from a group comprising the recommendation content data item having been reproduced by the reproduction unit for a predetermined period of time, a particular portion of the recommendation content data item having been reproduced by the reproduction unit, the entirety of the recommendation content data item having been reproduced by the reproduction unit, the recommendation content data item having been reproduced by the reproduction unit after being rewound, the recommendation content data item having been reproduced by the reproduction unit during a particular time of day, the recommendation content data item having been reproduced by the reproduction unit a predetermined number of times, and the recommendation content data item having been designated by a user.

**Claim 10:**

10. (Currently amended) An article of manufacture comprising at least one program storage medium having instructions encoded thereon which, when executed by a portable terminal device, perform steps of:

reproducing a plurality of content data items;

detecting a reproduction status of each content data item when said each content data item is being reproduced;

selecting a recommendation content data item being reproduced from said plurality of content data items depending on a detected reproduction status of said recommendation content data item; and

transmitting a list which shows a plurality of content data items including said selected recommendation content data item to a second portable terminal device;

wherein the reproduction status of said recommendation content data item is selected from a group comprising the recommendation content data item having been reproduced by the reproduction unit for a predetermined period of time, a particular portion of the recommendation content data item having been reproduced by the reproduction unit, the entirety of the recommendation content data item having been reproduced by the reproduction unit, the recommendation content data item having been reproduced by the reproduction unit after being rewound, the recommendation content data item having been reproduced by the reproduction unit during a particular time of day, the recommendation content data item having been reproduced by the reproduction unit a predetermined

number of times, and the recommendation content data item having been designated by a user.

**Claim 18:**

Cancel claim 18

**Claim 19:**

19. (Previously presented) The portable terminal device according to claim 1, wherein said communication unit communicates with another portable terminal device via an ad hoc network.

**Claim 20:**

20. (Previously presented) The portable terminal device according to claim 19, wherein said control unit transfers said list to a plurality of portable ~~terminals~~ terminal device on said ad hoc network.

**Claim 21:**

21. (Previously presented) The portable terminal device according to claim 1, wherein said recommendation content data item is a tune, said control unit transfers said selected tune from a tune list to a recommended tune list, and said communication unit transmits said recommended tune list to said second portable terminal device.

**Claim 27:**

27. (Previously presented) The data processing method according to claim 9, further comprising a step of searching for another portable terminal device, and wherein the step of transmitting further comprises transmitting said list to

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said another portable terminal device when said another portable terminal device has been detected.

**Claim 28:**

28. (Previously presented) The data processing method according to claim 9, wherein said act of transmitting comprises communicating with another portable terminal device via an ad hoc network.

**Claim 29:**

29. (Previously presented) The data processing method according to claim 28, wherein said act of transmitting further comprises transmitting said list to a plurality of portable ~~terminals~~ terminal device on said ad hoc network.

**Claim 30:**

30. (Previously presented) The data processing method according to claim 9, wherein said recommendation content data item is a tune, said step of selecting further comprises transferring said selected tune from a tune list to a recommended tune list, and said step of transmitting further comprises transmitting said recommended tune list to said second portable terminal device.

36. (Previously presented) The article of manufacture according to claim 10, further comprising a step of searching for another portable terminal device, and wherein the step of transmitting further comprises transmitting said list to said another portable terminal device when said another portable terminal device has been detected.

37. (Previously presented) The article of manufacture according to claim 10, wherein said act of transmitting comprises communicating with another portable terminal device via an ad hoc network.

38. (Previously presented) The article of manufacture according to claim 37, wherein said act of transmitting further comprises transmitting said list to a plurality of portable ~~terminals~~ terminal devices on said ad hoc network.

39. (Previously presented) The article of manufacture according to claim 10, wherein said recommendation content data item is a tune, said step of selecting further comprises transferring said selected tune from a tune list to a recommended tune list, and said step of transmitting further comprises transmitting said recommended tune list to said second portable terminal device.

4. Claims 1-6, 8-10 and 19-39 are allowed.

### ***Allowable Subject Matter***

5. The present application has been thoroughly reviewed. Upon searching a variety of databases, the examiner respectfully submits that claims 1-6, 8-10 and 19-39 are allowed in light of the applicants' argument and in light of the prior arts of made record.

The following is an examiner's statement of reasons for allowance:

Combination of Moriai (Pub No.: US 2002/0035692 A1) and Takano (Pub No: US 2002/0082917) both fail to teach wherein the reproduction status of said

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recommendation content data item is selected from a group comprising the recommendation content data item having been reproduced by the reproduction unit for a predetermined period of time, a particular portion of the recommendation content data item having been reproduced by the reproduction unit, the entirety of the recommendation content data item having been reproduced by the reproduction unit, the recommendation content data item having been reproduced by the reproduction unit after being rewound, the recommendation content data item having been reproduced by the reproduction unit during a particular time of day, the recommendation content data item having been reproduced by the reproduction unit a predetermined number of times, and the recommendation content data item having been designated by a user.

6. These distinct features, in conjunction with all other limitations of the dependents and independent claims render claims 1-6, 8-10 and 19-39 them allowable.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



### **Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY whose telephone number is (571) 272-4039 or via E-Mail: [ANH.LY@USPTO.GOV](mailto:ANH.LY@USPTO.GOV) (Written Authorization being given by Applicant (MPEP 502.03 [R-2])) or fax to (571) 273-4039 (unofficial fax number direct to Examiner's office). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Jean Fleurantin, Primary Examiner, (571) 272-4035. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center: (571) 273-8300**

ANH LY /AL/

/JEAN B. FLEURANTIN/  
Primary Examiner, Art Unit 2162